

Entered - 12/01/00 - sb
CL00L0716 - DIANNE C. MITCHELL

CLAIM OF: **RICHARD CARROLL**
993 Longley Avenue, NW
Atlanta, Georgia 30318

01- *R* -0281

For damages alleged to have been sustained as a result of the
demolition of property at 1004 Herndon Street, NW on August 23,
2000.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY *Robert N. Gray DCA*

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0716

Date: February 8, 2001

Claimant /Victim RICHARD CARROLL

BY: (Atty)(Ins. Co.) _____

Address: 993 Longley Avenue, NW, Atlanta, Georgia 30318

Subrogation: _____ Claim for Property damage \$ 82,000.00 Bodily Injury \$ _____

Date of Notice: 10/31/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 08/23/00 Place: 1004 Herndon Street, NW

Department Planning, Development and Neighborhood Conservation Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his property was wrongfully demolished by the City. The investigation determined that the City followed the proper procedures in providing notice and public hearings prior to the demolition of the claimant's property.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

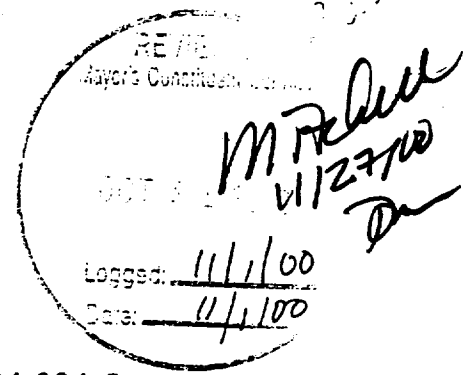
Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 02-08-01

Committee Action: _____ Council Action _____

October 27, 2000

MAYOR BILL CAMPBELL
55 Trinity Avenue, Suite 2400
Atlanta, Georgia 30335



RE: 1004 Herndon Street, NW, Parcel I.D. # 17-0189-0004-004-5

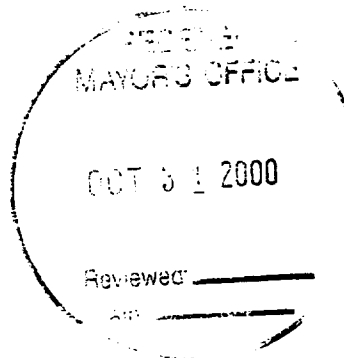
ENTERED - 12-1-00 - SB
00L0716 - DIANNE MITCHELL

Dear Mr. Mayor,

On August 20, 2000 the City of Atlanta demolished my historic house at 1004 Herndon Street, NW (Parcel I.D. # 17-0189-0004-004-5). Through an open records request and conducting my own investigation of this matter, I discovered the City of Atlanta did not follow its own due process procedures. I alleged the city acted erroneously and out of legal context. I have suffered a taking and I hereby make it known that I am seeking restitution in the amount of \$82,000 for the loss of the structure and in addition any legal or processing fees which I may incur in processing and resolving this matter. Your urgent attention to this case would be appreciated.

Regards,

Richard Carroll
993 Longley Avenue, N.W.
Atlanta, Georgia 30318
404-799-7752



Enclosure

CC:

Department of Planning, Development, & Neighborhood Conservation:
Michael Dobbins
Carl Smart

01-2-0281